

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 RONALD BREKKE,

14 Defendant.

CASE NO. CR10-0328-JCC

ORDER

15 This matter comes before the Court on Defendant's writ of error in the nature of a *coram
nobis* (Dkt. No. 419). Having thoroughly considered the motion and the relevant record, the
16 Court DENIES the writ.

17 Defendant was convicted following a jury trial on one count of conspiracy to commit
theft of public money and three counts of wire fraud. (Dkt. Nos. 213, 294.) On June 22, 2012, the
18 Court sentenced him to 144 months imprisonment. (Dkt. No. 294.) Defendant's convictions were
affirmed on appeal. (Dkt. Nos. 317, 318.) The Court subsequently dismissed with prejudice
20 Defendant's § 2255 petition, and the Ninth Circuit denied his request for a certificate of
appealability. *Ronald Brekke v. United States of America*, Case No. C14-1354-JCC, Dkt. Nos. 8,
21 31 (W.D. Wash. 2014). Since then, Defendant has filed numerous motions, writs, and other
22 documents, all of which have been denied. (*See, e.g.*, Dkt. Nos. 396, 401, 407) (FOIA request,
23 motion for jurisdictional clarification, and motion to vacate or show cause, respectively).

1 Defendant now seeks a writ of error *coram nobis* alleging:

2 (1) Errors-in-fact and law, knowingly and intentionally committed, as well as
3 material omission, fraud, misrepresentations, concealment and deceit therein in
4 reckless disregard for the truth; and (2) errors-in-fact by use of legal fictions to
5 prejudice my liberty interest by forcing me to ‘take responsibility’ (i.e. provide
6 surety) against my will, under threat, duress and coercion, in an Article I Court,
7 using a combination of law forms, i.e. admiralty, statutory equity and public policy
8 (‘at law’), creating a grave miscarriage of justice.

9 (Dkt. No. 419 at 1.) In his 62-page writ, Defendant asks the Court to enjoin and vacate the
10 judgment and grant any other relief it deems is warranted. (*Id.* at 56–57.)

11 A writ of error *coram nobis* is an “extraordinary remedy [to be rendered] only under
12 circumstances compelling such action to achieve justice.” *United States v. Morgan*, 346 U.S.
13 502, 511 (1954). To qualify for the writ, Defendant must show the following: “(1) a more usual
14 remedy is not available; (2) valid reasons exist for not attacking the conviction earlier; (3)
15 adverse consequences exist from the conviction sufficient to satisfy the case or controversy
16 requirement of Article III; and (4) the error is of the most fundamental character.” *United States
v. Riedl*, 496 F.3d 1003, 1006 (9th Cir. 2007) (quoting *Hirabayashi v. United States*, 828 F.2d
17 591, 604 (9th Cir. 1987)).

18 Defendant has not shown that the first, second, or fourth elements are present in this case.
19 Defendant has not demonstrated that a more usual remedy to raise his challenges is not
20 available—indeed, he has already filed both a direct appeal and a habeas corpus petition to
21 challenge his convictions. Similarly, he presents no valid reason why his latest challenges could
22 not have been brought earlier. Defendant’s writ neither raises new facts or information that
23 would invalidate his conviction, nor facts or information that could not have been raised at an
24 earlier time. Finally, Defendant has not identified an error in the Court’s judgment, much less
25 demonstrated that the error is of “the most fundamental character.” See *Riedl*, 496 F.3d at 1006.
26 Defendant just repeats various “legal” maxims and principles that are irrelevant and nonsensical.
27 Most importantly, they do nothing to call into question the validity of his convictions, which
28 were supported by substantial evidence and upheld by the Court of Appeals.

29 For those reasons, Defendant’s writ of error in the nature of a *coram nobis* (Dkt. No. 419)

1 is DENIED. The Clerk is DIRECTED to send a copy of this order to Defendant.
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3 DATED this 5th day of April 2019.

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10 John C. Coughenour
11 UNITED STATES DISTRICT JUDGE
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